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CASE NUMBER: 16-2-01777-1 SEA

STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT

HASSAN HIRSI, an individual

Plaintiff,

v.

THE HERTZ CORPORATION, a foreign  
corporation,

Defendant.

No. \_\_\_\_\_

**COMPLAINT**

Plaintiff Hassan Hirsi ("Plaintiff"), by his attorneys and on behalf of all others similarly situated (i.e., the "Class" as defined below), complains against Defendant and alleges as follows:

**NATURE OF THE ACTION**

1. Plaintiff brings this class action individually and on behalf of the Class against The Hertz Corporation under Chapter 7.45, *et seq.*, of the City of SeaTac Municipal Code, the City's minimum wage ordinance (the "Ordinance"), and for unjust enrichment, upon personal knowledge as to himself and his own acts, and as to all other matters upon information and belief based on the investigation made by his attorneys.

## PARTIES

5. Defendant The Hertz Corporation (“Hertz”) is, on information and belief, a foreign corporation with headquarters at 14501 Hertz Quail Springs Parkway, Oklahoma City, OK. Hertz provides car rental services at the Seattle-Tacoma International Airport and otherwise within the City of SeaTac.

Hertz operates the Hertz, Dollar, Thrifty and Firefly car rental brands in more than 10,300 corporate and licensee locations throughout approximately 150 countries in North America, Europe, Latin America, Asia, Australia, Africa, the Middle East and New Zealand. Hertz is the largest worldwide airport general use car rental company with more than 1,600 airport locations in the U.S. and more than 1,300 airport locations internationally.

## **JURISDICTION AND VENUE**

## Class Action Complaint - 2

**SUBSTANTIVE ALLEGATIONS**

9. Section 7.45.050 of the Ordinance requires certain employers within the City to pay a \$15 minimum wage to certain employees, subject to annual adjustments to be effective on January 1 of the next successive year. The law became effective on January 1, 2014.

10. The minimum wage for 2014 was \$15 and for 2015 was \$15.25.

11. The two categories of employers that are subject to the Ordinance are identified as “Hospitality Employers” and “Transportation Employers.”

12. A Hospitality Employer is defined as follows:

*“Hospitality Employer”* means a person who operates within the City any Hotel that has one hundred (100) or more guest rooms and thirty (30) or more workers or who operates any institutional foodservice or retail operation employing ten (10) or more nonmanagerial, nonsupervisory employees. This shall include any person who employs others providing services for customers on the aforementioned premises, such as a temporary agency or subcontractor.

13. A Transportation Employer is defined as:

*“Transportation Employer”* means:

1) A person, excluding a certificated air carrier performing services for itself, who:

a) operates or provides within the City any of the following: any curbside passenger check-in services; baggage check services; wheelchair escort services; baggage handling; cargo handling; rental luggage cart services; aircraft interior cleaning; aircraft carpet cleaning; aircraft washing and cleaning; aviation ground support equipment washing and cleaning; aircraft water or lavatory services; aircraft fueling; ground transportation management; or any janitorial and custodial services, facility maintenance services, security services, or customer service performed in any facility where any of the services listed in this paragraph are also performed; and

b) employs twenty-five (25) or more nonmanagerial, nonsupervisory employees in the performance of that service.

2) A transportation employer also includes any person who:

a) operates or provides rental car services utilizing or operating a fleet of more than one hundred (100) cars; shuttle transportation utilizing or operating a fleet of more than ten (10) vans or buses; or parking lot management controlling more than one hundred (100) parking spaces; and  
b) employs twenty-five (25) or more nonmanagerial, nonsupervisory employees in the performance of that operation.

14. The two categories of employees that are subject to the Ordinance are “Hospitality Workers” and “Transportation Workers.”

15. A Hospitality Worker is defined as:

*“Hospitality Worker”* means any nonmanagerial, nonsupervisory individual employed by a Hospitality Employer.

16. A Transportation Worker is defined as:

*“Transportation Worker”* means any nonmanagerial, nonsupervisory individual employed by a Transportation Employer.

#### **FACTUAL ALLEGATIONS AS TO PLAINTIFF**

17. Plaintiff was employed by Hertz as a car shuttle driver from at least January 1, 2014, through July 1, 2014.

18. During the period from on or about January 1, 2014, through July 1, 2014, Defendant paid the Plaintiff an hourly rate of \$11.00 per hour.

19. By failing to pay the prevailing minimum wage, Defendant acted unlawfully and proximately caused damages to the Plaintiff in an amount to be proven at trial.

**CLASS ALLEGATIONS**

20. Plaintiff brings this class action pursuant to Civil Rule 23 on behalf of himself and all members of the following Class:

All employees of the Defendant who have been either Hospitality Workers or Transportation Workers and who worked one or more hours within the City of SeaTac at any time during the time period from January 1, 2014, to the present, and who were paid less than the prevailing minimum wage prescribed by City of SeaTac Ordinance 7.45.050.

21. Plaintiff reserves the right to amend or modify this Complaint and/or the Class definition after receiving Defendant's Answer and responses to meaningful discovery and/or in the motion for class certification.

22. Members of the Class are so numerous and geographically dispersed that joinder of all Class members is impracticable. The precise number and identities of Class members are unknown to Plaintiff but should be obtainable through notice and discovery. Notice can be provided through a variety of means including publication, the cost of which is properly imposed on Defendant.

23. Plaintiff will fairly and adequately protect the interests of all Class members and has retained counsel competent and experienced in class and employment litigation and who has been repeatedly found to be adequate to represent the interests of class members in other complex class actions.

24. Plaintiff's claims are typical of the claims of the Class whose members sustained similar types of injury arising out of the conduct challenged in this action. The injuries flow from the common nucleus of operative facts detailed above.

1           25.     There is a well-defined community of interest in the common questions of law  
2 and/or fact alleged herein since the rights of each Class member were infringed or violated in a  
3 similar fashion based upon Defendant's wrongdoing or arise out of similar legal obligations.

4           26.     The common questions of law and fact detailed in this Complaint predominate  
5 over any questions solely affecting individual Class members. Defendant engaged in a common  
6 course of conduct giving rise to the legal rights sought to be enforced by Plaintiff and the Class  
7 members. Individual questions, if any, pale by comparison to the numerous common questions  
8 that predominate.

9           27.     A class action is superior to other available methods for the fair and efficient  
10 adjudication of this controversy because joinder of all Class members is impracticable.  
11 Furthermore, the expense and burden of individual litigation make it impossible for the Class  
12 members to individually redress the wrongs done to them.

13           28.     The claims in this action are manageable on a class-wide basis and can be the  
14 subject of a class-wide plan for litigating and resolving these issues.

15           29.     Defendant has also acted or has refused to act on grounds generally applicable to  
16 the Class, thereby making it appropriate to grant final declaratory and injunctive relief with  
17 respect to the Class as a whole.  
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## 20                           **CAUSES OF ACTION**

### 21                           **Count 1 – Statutory Violations**

22           30.     RCW 49.46.120 establishes Washington State's minimum wage and provides for  
23 enforcement of more favorable minimum wages that may be established federal, state, or local  
24 law or ordinance.  
25  
26

1           31. Pursuant to RCW 49.46.090, "Any employer who pays any employee less than  
2 wages to which such employee is entitled under or by virtue of this chapter, shall be liable to  
3 such employee affected for the full amount of such wage rate, less any amount actually paid to  
4 such employee by the employer, and for costs and such reasonable attorney's fees as may be  
5 allowed by the court."

6  
7           32. Pursuant to RCW 49.52.050,

8           Any employer or officer, vice principal or agent of any employer, whether  
9 said employer be in private business or an elected public official, who

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10           (2) Wilfully and with intent to deprive the employee of any part of his or her  
11 wages, shall pay any employee a lower wage than the wage such employer is  
obligated to pay such employee by any statute, ordinance, or contract;

\*\*\*

12           Shall be guilty of a misdemeanor.

13           33. Pursuant to 49.52.070,

14           Any employer and any officer, vice principal or agent of any employer who  
15 shall violate any of the provisions of RCW 49.52.050 (1) and (2) shall be  
16 liable in a civil action by the aggrieved employee or his or her assignee to  
17 judgment for twice the amount of the wages unlawfully rebated or withheld by  
18 way of exemplary damages, together with costs of suit and a reasonable sum  
for attorney's fees: PROVIDED, HOWEVER, That the benefits of this section  
shall not be available to any employee who have knowingly submitted to such  
violations.

19           34. Defendant has violated the foregoing statutes and are liable to the Plaintiff and the  
20 Class for actual damages, double damages, and attorneys' fees and costs.

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23                           **Count 2 – Unjust Enrichment**

24           35. As described more fully above, the Defendant has been unjustly enriched by  
25 wrongfully withholding wages from the Class.

**Count 3 – Injunctive and Declaratory Relief**

36. As described more fully above, the Plaintiff and the Class are entitled to a declaration of their right to be paid the prevailing minimum wage and an injunction prohibiting the Defendant from further violations of the Ordinance.

**PRAYER FOR RELIEF**

Based upon the above allegations, Plaintiff requests the following relief as appropriate for each cause of action:

A. An Order certifying that this action be maintained as a class action and appointing Plaintiff as Representative of the Class and his counsel as Class counsel;

B. For all actual, incidental, consequential, exemplary and/or statutory damages as provided for by law under the above causes of action that permit such relief including double damages under RCW 49.52.050 and .070, or other monies expended by Plaintiff and members of the Class;

C. For preliminary and permanent injunctive relief prohibiting, restraining and enjoining Defendant from engaging in the conduct complained of herein;

D. For an award of attorneys' fees to the extent available under applicable law;

E. For costs of suit herein incurred;

F. For pre- and post-judgment interest; and/or

G. For such other and further relief as this Court deems appropriate or which is allowed for in law or equity.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all claims so triable as a matter of right, and for an advisory jury on all other causes of action.

1 DATED this 22<sup>th</sup> day of January, 2016.

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